

P-461/C-90-690 ORDER CLOSING DOCKET

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm	Chair
Tom Burton	Commissioner
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner
Norma McKanna	Commissioner

In the Matter of a Complaint
Against MidAmerican
Communication, Inc.

ISSUE DATE: June 17, 1992
DOCKET NO. P-461/C-90-690

ORDER CLOSING DOCKET

PROCEDURAL HISTORY

On September 18, 1990, the Department of Public Service (the Department) filed a complaint with the Commission against MidAmerican Communication, Inc. (MidAmerican or the Company). In the complaint the Department alleged that MidAmerican had violated the law by providing an intrastate toll telephone service called Business Line 100 before the tariff for the service was approved by the Commission. Since the time period mentioned in the complaint, the Company had obtained Commission approval for the tariff.

On September 24, 1991, the Department filed a report in which the Department alleged that MidAmerican's tariff violation was part of a pattern of past practice. The Department stated that no refund was called for, since customers had not suffered financially from the tariff violation. The Department expressed its intention of referring the matter to the Attorney General's Office for pursuit of district court civil penalties against MidAmerican. Finally, the Department recommended that the Commission close the docket unless the Commission believed that something in addition to the imposition of civil penalties should occur.

On October 3, 1991, the Company filed a response to the Department's report. The Company stated that no tariff violation on its part had been knowing or intentional, and therefore the imposition of penalties was not warranted. MidAmerican requested that the Commission dismiss the Department's complaint.

On October 16, 1991, the Attorney General's Office, acting on behalf of the Department, filed a complaint against MidAmerican in Ramsey County district court.

In a letter filed on April 2, 1992, the Department informed the Commission that the Department and MidAmerican had entered into a

Settlement Agreement resolving the matters at issue in the district court proceeding. The parties had agreed that MidAmerican would pay \$7,000 to the State of Minnesota in exchange for the dismissal of the lawsuit. Because the matter had been resolved through the stipulated agreement, the Department requested that the Commission close its complaint docket.

The matter came before the Commission for consideration on June 2, 1992.

FINDINGS AND CONCLUSIONS

The Department has requested that the Commission close the docket which focused on the Department's complaint against MidAmerican. MidAmerican and the Department have settled their district court action. No party has at any time requested that a refund be granted MidAmerican's customers. The Commission has no indication that MidAmerican is continuing any practice which would warrant the Commission's taking action at this time.

For these reasons, the Commission will close this docket.

ORDER

1. Docket No. P-461/C-90-690 is closed.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)